

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
AMENDMENT OF PART 15 REGARDING NEW)	
REQUIREMENTS AND MEASUREMENT)	ET Docket No. 04-37
GUIDELINES FOR ACCESS BROADBAND)	
OVER POWER LINE SYSTEMS)	

To: The Commission

Letter from:

**Anthony Good
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October 14, 2005

Re: Letter Regarding Access BPL Database Website announced October 13, 2005 (DA 05-2701)

Introduction

On October 13, 2005, the FCC announced that the United Telecom Council (UTC) would be serving as the Access Broadband over Power Line database manager pursuant to Section 15.615 (a)-(e) of the Commission's rules. The website was listed as <http://www.bpldatabase.org>¹.

On the website, this notice appears:

"NOTE: Each licensee is allowed to search a limited number of times each month. Licensees are advised not to conduct random searches of the database, or their access to the database may be further restricted. If you have any difficulties with this BPL database, please contact the BPL Database Administrator at admin@utc.org"²

Discussion

47CFR15.615 (a)-(e) states:

¹ FCC DA 05-2701 October 13, 2005 http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-05-2701A1.pdf

² <http://www.bpldatabase.org> as viewed on October 13, 2005, approximately 6 PM Eastern

Section 15.615 General administrative requirements.

(a) Access BPL Database. Entities operating Access BPL systems shall supply to an industry recognized entity, information on all existing Access BPL systems and all proposed Access BPL systems for inclusion into a publicly available data base, within 30 days prior to initiation of service. Such information shall include the following:

(1) The name of the Access BPL provider

(2) The frequencies of the Access BPL operation

(3) The postal zip codes served by the specific Access BPL operation

(4) The manufacturer and type of Access BPL equipment and its associated FCC ID number, or, in the case of Access BPL equipment that has been subject to verification, the Trade Name and Model Number, as specified on the equipment label.

(5) The contact information, including both phone number and email address of a person at, or associated with, the BPL operator's company, to facilitate the resolution of any interference complaint.

(6) The proposed/or actual date of Access BPL operation.

(b) The Access BPL database manager shall enter this information into the publicly accessible database within three (3) business days of receipt.

(c) No notification to the Commission is required.

(d) A licensed spectrum user experiencing harmful interference that is suspected to be caused by an Access BPL system shall inform the local BPL operator's contact person designated in the Access BPL database. The investigation of the reported interference and the resolution of confirmed harmful interference from the Access BPL system shall be successfully completed by the BPL operator within a reasonable time period according to a mutually acceptable schedule, after the receipt of an interference complaint, in order to avoid protracted disruptions to licensed services. The Access BPL operator shall respond to complaints of harmful interference from public safety users within 24 hours. With regard to public safety complaints, the BPL provider shall be required to immediately cease the operations causing such complaint if it fails to respond within 24 hours.

(e) Consultation with public safety users. An entity operating an Access BPL system shall notify and consult with the public safety users in the area where it plans to deploy Access BPL, at least 30 days prior to initiation of any operation or service. This entity shall design or

implement the Access BPL system such that it does not cause harmful interference in those frequencies or bands used by the public safety agencies in the area served by the Access BPL system. The notification shall include, at a minimum, the information in paragraph (a) of this section.

As one can see 47CFR15.615 (a)-(e), does not include any language limiting licensees' ability to query such a database, or their ability to conduct random searches. The section states a "publicly available" database will be maintained.

Public FCC databases available on the FCC website presumably allow unlimited queries from the general public. For those users with more robust data needs that cannot be reasonably accommodated by a web interface or the server systems that the FCC maintains, the FCC has for years provided direct database dumps available for FTP download that can be processed and used offline by users. Any and all data on numerous licensed services is freely available to the public either directly through the web interfaces, or via bulk data files.

The UTC, while providing a publicly available database, has limited public data access. Presumably this is to avoid excessive queries from overloading the web server or more likely to prevent parties from attempting to extract the entire database through sequential or random queries.

While it is reasonable to limit the number of concurrent active user sessions to prevent service degradation to other users of the system, it is not reasonable to limit the public's access to the data. The rules state that the database simply must be publicly available and places no limit on the number of pieces of data that a user can extract from the database, or limits views of the database to particular query criteria, such as a zip code. Additionally, despite previous objections from BPL providers that such a database may present proprietary data or reveal customer numbers or market share information, 47CFR15.615(a)-(e) provides no limitations on extraction of the data to limit viewing or dissemination. The rules give the database administrator no power to restrict access as stated on the website if a licensee performs random searches.

Furthermore, the website implies that the database is for "licensee" use. Non-licensees can file BPL interference complaints if it is interfering with the reception of a licensed service (i.e. shortwave broadcast reception). The website as worded discourages general public non-FCC licensed spectrum users from using the system. Even the site's results page, complete with a definition of harmful interference as defined by 47CFR15.3(m), implies that only licensees can file complaints.

In its filing of comments on July 25, 2005 on ET 04-37, the UPLC (an organization formed by UTC³) stated "UTC has designed the database to provide effective public notice about BPL deployments in compliance with the FCC information disclosure requirements."⁴ However, the BPLdatabase.org website

³ Comments of UPLC filed June 27, 2005

http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6517989939

⁴ Comments of UPLC filed July 7, 2005

http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6518004794

indicates no method of providing notifications to the public about BPL deployments. It merely provides an after-the-fact query tool searchable by zip code, requiring any citizen interested in receiving a notice to manually query the database on a regular basis.

Conclusion

It is the conclusion of this licensee that the database as currently implemented by the UTC at the time of this writing is not in compliance with 47CFR15.615 (a)-(e) as written. While it is acceptable for UTC to place reasonable limits on active queries to prevent system degradation or prevent malicious system attacks, it must provide another method to allow unlimited access to data, such as FTP downloads of database dumps similar to what the FCC provides today for various databases, or simply remove the restrictions limiting numbers of queries or threats of restricted access if random searches are performed.

Additionally, while the website indicates it is providing the information as a public service, it does a disservice to the public by discouraging non-licensed spectrum users that may be affected by BPL emissions from filing interference complaints.

I request the Commission re-evaluate the database provided by UTC in light of the requirements of 47CFR15.615 (a)-(e) and either declare it in non-compliance or work with UTC to fully meet the requirements for public data access, free of unsupported restrictions and proper wording that does not discourage non-licensee use.

Sincerely,

Anthony Good